

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAMIQUE FENNELL,

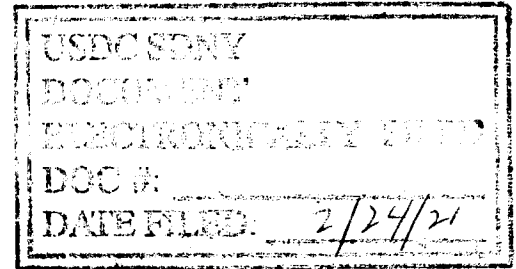
Petitioner,

-against-

TIMOTHY MCCARTHY, Superintendent
of Auburn Correctional Facility,

Respondent.
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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE



ORDER

20-CV-3764 (GHW) (KNF)


On January 11, 2021, the Court directed the petitioner to serve and file his reply to the respondent's opposition to the petitioner's request that the petition be held in abeyance so he can exhaust his ineffective assistance of appellate counsel claim. See Docket Entry No. 23. On February 8, 2021, the Court denied the petitioner's request to stay his petition. See Docket Entry No. 25. By a letter, dated February 14, 2021, the petitioner informed the Court that he did not receive the Court's January 11, 2021 order until January 20, 2021 and he did not have sufficient time to prepare his reply, since the law library is closed during the weekend. The petitioner attached his reply, dated January 25, 2021, to his February 14, 2021 letter.

Under the circumstances, the Court vacates the February 8, 2021 memorandum and order, Docket Entry No. 25. The Court will consider the petitioner's reply in determining the motion to stay and issue its decision accordingly.

The Clerk of Court is directed to mail a copy of this Order to the petitioner.

Dated: New York, New York
February 24, 2021

SO ORDERED:


KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE